

**FINAL REVISION, (2-6-2006):**

- ***ITEM 21 A. TO BE PLACED ON  
AIRPORT CONSENT AGENDA  
AS ITEM 39A;***
- ***ITEM 28A, TO BE ADDED TO  
NEW BUSINESS; AND***
- ***ITEM 26 PULLED.***

CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
9:00 A.M., February 7, 2006

City Council Chambers  
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the January 24, 2006 regular meeting

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AWARDS AND PROCLAMATIONS

- Proclamations
  - “Girl Scout Cookie Month”

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PUBLIC AGENDA

1. Possibility of locating a fire station in the south City area-Thomas Strickland.

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CONSENT AGENDA

2. Report of the Board of Bids and Contracts Dated February 6, 2006.

RECOMMENDED ACTION: Receive and file report; approve Contracts;  
authorize necessary signatures.

3. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Mark T. Ryan Arturo Chavez	Two Brothers BBQ* Mireles Restaurant*	3750 N. Woodlawn, Suite 102 1959 North Waco
<u>New Establishment</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Huong V. Nguyen	Lucky Market, Inc.	7100 East Harry
<u>New Tavern</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
William N. Embree	Storm's Entertainment Inc./ Twin Lakes Play House	2038 North Amidon
<u>Special Event</u>	<u>May 7, 2006</u>	
Miguel Banuelos	Wichita 5 DeMaya Festival	151 North Waco

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review  
and approval.

4. Preliminary Estimates:

- a) Water Distribution System to serve Auburn Hills 16th Addition -south of Maple, east of 151st Street West. (448-90121/735284/470955) Does not affect existing traffic. (District V) - \$175,000
- b) Water Distribution System to serve Reed's Cove 3rd Addition - south of 21st Street North, east of 127th Street East. (448-89957/735290/470961) Does not affect existing traffic. (District II) - \$51,600
- c) Water Distribution System to serve Equestrian Estates Addition - south of Harry, east of 127th Street East. (448-89614/735287/470958) Does not affect existing traffic. (District II) - \$145,000
- d) Main 18 Four Mile Creek Sewer to serve McEvoy & Casa Bella Additions - south of Harry Street, west of 127th Street East. (468-84026/744131/480819) Does not affect existing traffic. (District II) - \$537,000
- e) 21st Street North from Oliver to Woodlawn. (87N-0190-01/472-84235/706923/205389) Traffic to be carried thru construction. (District I) - \$2,430,000
- f) Wichita Waterwalk Public Improvements, Phase 2 - north of Kellogg, east of Arkansas River) (472-84133/792424/622098/435352/675126) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$689,004
- g) Kite from the east line of the plat, west to the west line of the plat; Marblefalls from the south line of Kite, south to the south line of Lot 38, Block C; Kite Court (Lots 11 through 17, Block D) from the north line of Kite north to and including the cul-de-sac; Kite Court (Lots 31 through 41, Block A) from the south line of Kite south to and including the cul-de-sac; Kite Court (Lots 42 through 53, Block A) from the south line of Kite south to and including the cul-de-sac; Sidewalk on Kite and Marblefalls to serve Falcon Falls 2nd Addition - north of 45th Street North, west of Hillside. (472-84264/765973/490088) Does not affect existing traffic. (District I) - \$543,000

(Item 4 continued)

- h) Water Distribution System to serve Eberly Farm Office Park Addition - south of 21st Street North, east of 135th Street West. (448-90140/735294/470965) Does not affect existing traffic. (District V) - \$38,000
- i) Cost of West Street, between Maple and Central. (Districts IV & VI) (472-83997/706890/204-356)-Total Estimated Cost \$2,230,000

RECOMMENDED ACTION: Receive and file.

5. Petition for Public Improvement: Pave part of an alley between Hillside and Lorraine, south of Central.  
(District I)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

6. Minutes of Advisory Boards/Commissions:

District VI Advisory Board, December 5, 2005  
Wichita Airport Advisory Board, December 5, 2005  
Wichita Employees' Retirement Board/ Police & Fire Department Retirement Board Special Joint Investment Committee, September 13, 2005  
Wichita Public Library Regular Library Board of Directors, December 20, 2005  
Board of Electrical Appeals, November 8, 2005  
Wichita Public Library Monthly Report, November, 2005  
Board of Code Standards and Appeals, November 7, 2005  
Wichita Employees' Retirement Board, December 21, 2005  
Wichita Employees' Retirement Board/Police & Fire Department Retirement Board  
Special Joint Investment Committee, September 15, 2005  
Wichita Employees' Retirement Board/Police & Fire Department Retirement Board Joint Investment Committee, November 3, 2005  
Police & Fire Retirement System Regular Board Meeting, November 16, 2005  
Housing Advisory Board Meeting, November 16, 2005  
Wichita Public Library Monthly Report, December 2005  
Wichita Employees' Retirement Board/Police & Fire Department Retirement Board  
Joint Investment Committee, December 1, 2005  
District V Advisory Board, December 5, 2005  
District II Advisory Board, December 5, 2005  
Board of Code Standards and Appeals, December 5, 2005  
Board of Electrical Appeals, December 13, 2005  
Wichita Public Library Regular Library Board of Directors, January 17, 2006

RECOMMENDED ACTION: Receive and file.

7. Consideration of Street Closures/Uses.

- Street Closures related to the Central Rail Corridor Project. (District VI)

RECOMMENDED ACTION: Approve the short-term street closures as necessary  
for the duration of this project.

8. Agreements/Contracts:

- a) Appraisal Services for the improvement of West Street from Maple to Central. (Districts IV and VI)
- b) Respread Assessments-Southern Ridge Addition, south of Pawnee, west of Maize. (District IV)
- c) Construction Engineering and Staking in Equestrian Estates Addition, south of Harry, east of 127<sup>th</sup> Street East. (District II)-supplemental.
- d) Staking in Evergreen Fifth Addition, north of 37<sup>th</sup> Street North, east of Tyler. (District V)-supplemental.
- e) Hawthorne Addition, north of 21<sup>st</sup> Street East of 127<sup>th</sup> Street East. (District II)-supplemental.
- f) West Street from Maple to Central. (Districts IV and VI)-supplemental.
- g) Hillside from Kellogg to Central. (District VI)-supplemental.
- h) A Drainage Study and Concept Design Services for Cowskin Creek and a private pond, 13<sup>th</sup> Street North, west of 119<sup>th</sup> Street West. (District V)
- i) Construction Engineering and Staking in Prairie Pond Plaza Addition, north of Kellogg, east of 143<sup>rd</sup> Street East. (District II)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

9. Design Services Agreements:

- a) Emerald Bay Estates, west of West Street, north of 21<sup>st</sup> Street. (District V)
- b) Mascot from 29<sup>th</sup> Street North to 31<sup>st</sup> Street North. (District VI)
- c) Eberly Farm Office Park, east of 135<sup>th</sup> Street West, south of 21<sup>st</sup> Street. (District V)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

10. Change Order-Harry Improvement between I-135 Freeway and George Washington Boulevard.  
(Districts I and III)

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

11. Property Acquisitions:

- a) Utility Easement in the 2100 Block of North 135<sup>th</sup> for the North Area Sewer Project. (District V)
- b) A portion of 1016 East Pawnee for Pawnee Widening Improvement Project from Washington to Hydraulic. (District III)
- c) Partial Acquisition of land for a Temporary Construction Easement on the north area sewer sanitary line near Meridian and 53<sup>rd</sup> Street North. (District VI)
- d) Acquisition of Right of Way and Drainage Easement for Greenwich Road Improvement Project, 13<sup>th</sup> Street to 27<sup>th</sup> Street North. (District II)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize the necessary signatures.

12. Proposed Assessment Rolls.

Proposed Assessment Rolls have been prepared for Thirty-six (36) paving projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held February 27, 2006 at 11:00 a.m.

RECOMMENDED ACTION: Set the hearing on the Proposed Assessment Rolls for 9:30 a.m., Tuesday, March 7, 2006 and direct the City Clerk to publish the notices of hearing at least once not less than 10 days prior to the date of the hearing.

13. Emergency Sanitary Sewer Rehabilitation. (District II)

RECOMMENDED ACTION: Affirm the City Manager's Public Exigency approval of the project and authorize the necessary signatures.

14. Declaration for Participation in Firefighters Relief Fund for 2006.

RECOMMENDED ACTION: Approve the Declaration for Participation in the Firefighters Relief Association for 2006 and authorize the Mayor to sign.

15. Insurance Placement Services.

RECOMMENDED ACTION: Approve the contract amendment and authorize the Mayor to sign.

16. Sanitary Sewer Interceptor Inspection. (Districts I and III)

RECOMMENDED ACTION: 1) Approve the revised project cost; 2) authorize Staff to proceed with the project; and 3) authorize the necessary signatures.

17. Relocation of Raytheon Aircraft Pipeline along Webb Road. (District II)

RECOMMENDED ACTION: Approve the relocation costs and authorize the necessary signatures.

18. Extension of Letter of Intent for Industrial Revenue Bonds, Delta Data Systems, Inc. (District II)

RECOMMENDED ACTION: Approve the extension of the Letter of Intent to Delta Data Systems, Inc. for Industrial Revenue Bonds in an amount not-to-exceed \$9,000,000 for a one-year period ending February 8<sup>th</sup> 2007.

19. Purchase Option, IMA Plaza, L.L.C. (District VI)

RECOMMENDED ACTION: Adopt the Resolution authorizing the Special Warranty Deed and the Termination of Lease Agreement with delivery to occur on or after February 24, 2006 and authorize the necessary signatures.

20. Purchase Option, Typed Letters Corporation. (District V)

RECOMMENDED ACTION: Approve the Resolution authorizing the reconveyance of the project and the optional redemption of the Bonds at the earliest available call date, subject to the conditions specified therein and authorize the necessary signatures.

21. Sewer Easement Across a Portion of City-owned Property at 21st Street North and Hoover. (District V)

RECOMMENDED ACTION: Approve the easement and authorize the necessary signatures.

**(Item 21A)**

**21a. (ITEM MOVED TO THE AIRPORT AGENDA. SEE ITEM 39A)**

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NEW BUSINESS

22. Pretreatment Sewer Use-Amended Ordinance.

The United States Environmental Protection Agency and the Kansas Department of Health and Environment, (KDHE); require the City to control the discharge of pollutants from industrial sources to the City's sanitary sewer system. United States Environmental Protection Agency, (USEPA), recommends that the City routinely re-evaluate local limits to reflect changes in regulations and wastewaters characteristics.

RECOMMENDED ACTION: Close the public hearing; receive written comments and place the amended ordinance on first reading.

23. Purchase Option for 1995 Project, (BOEING IRB Asset Trust).

The City has received notice of the BOEING IRB Asset Trust's intention to exercise its purchase options for the property financed with the proceeds of the Series X, 1995 Bonds, and the firm of Kutak Rock LLP, Tenant's Bond Counsel has submitted documents for that purpose.

RECOMMENDED ACTION: Adopt the Resolution approving the conveyance and termination instruments and authorize the necessary signatures.

24. Resolution of Support for State Funding for Affordable Air Fares.

The City of Wichita has joined with several regional organizations to seek assistance from the State of Kansas in the efforts to secure affordable air service at Mid-Continent Airport. A resolution is being circulated to cities and counties that are members of REAP and SCKEDD, for adoption by the governing bodies, expressing support for the State's participation in the Kansas Air Service Development Program.

RECOMMENDED ACTION: Adopt the Resolution of Support for the Kansas Air Service Development Program.

25. Douglas Street Drainage Outfall. (Districts I and VI)

The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve the drainage in Old Town and the surrounding area. On December 5, 2005, District VI approved the Douglas Route, 9 to 0. On January 9, 2006, District I approved the Douglas Route, 10 to 0.

RECOMMENDED ACTION: Approve the Douglas route for final design.

**(Item 26)**

**26. Petitions to Renovate Building Facades at 1409 East Douglas and 111 Ellis. (District I)**

**(ITEM 26 PULLED OFF AGENDA PER COUNCIL/MANAGER, 02/06/2006)**

**27. Petition to construct a Sanitary Sewer to serve an area generally bounded by Arkansas Avenue, the Wichita Valley Center Flood Control Ditch and north of 43<sup>rd</sup> Street North. (District VI)**

The signatures on the Petition represent 80 of 135 (59.3%) resident owners and 58.7% of the improvement district area. District VI Advisory Board sponsored a January 9, 2006, neighborhood hearing on the project. The Board voted 10 to 0 to recommend approval of the project.

**RECOMMENDED ACTION:** Approve the Petition; adopt the Resolution; approve the supplemental design agreement and authorize the necessary signatures.

**28. MacArthur Improvement, between Meridian and Seneca. (District IV)**

On May 4, 2004, the City Council approved a design agreement with Baughman Company for the preparation of construction plans. District IV Advisory Board sponsored a September 7, 2005, neighborhood hearing on the project. The Board voted 9 to 0 to recommend approval of the project.

**RECOMMENDED ACTION:** Approve the project; place the ordinance on first reading; approve the Supplemental Design Agreement and authorize the signing of State/Federal Agreements as required.

**(Item 28A)**

**28A. Resolution of Support for State Legislature regulating protests at funerals.**

**RECOMMENDED ACTION:** *Adopt the resolution and authorize the necessary signatures.*

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PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

\* Consent Items

29. DR2005-00035-Proposed Corridor Preservation Plan Overlay District (CP-O) for the proposed Northwest Bypass in Wichita and Sedgwick County. The general location of the proposed CP-O connects K-96 to US-54 west of the City of Wichita.

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC, approve the text amendment to the Unified Zoning code; approve the amendment to the Official Zoning Map and place the ordinance on first reading; or  
2. Return the item to the MAPC for reconsideration.

30. \*SUB2005-51-Plat of Blue Sky Addition, located north of Maple and west of West Street. (District IV)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the resolutions.

31. \*DED2006-01 and DED2006-02-Dedication of Drainage and Utility Easements, located west of Ridge Road and north of 37<sup>th</sup> Street North. (District V)

RECOMMENDED ACTION: Accept the Dedications.

32. \*DED2006-03-Dedication of a Utility Easement, located south of Central and east of Hoover Road. (District IV)

RECOMMENDED ACTION: Accept the Dedication.

33. \*VAC2000-00043-Request to vacate a platted drainage dedication, generally located southwest of the Kellogg Avenue and Kansas Turnpike interchange. (District II)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

34. \*ZON2005-00044-Zone change from "TF-3" Two-family Residential, "MF-29" Multi-family Residential and "GO" General Office to "NR" Neighborhood Retail, with a Protective Overlay. Generally located between Hillside Avenue and Lorraine Street, midway between 2<sup>nd</sup> and 3<sup>rd</sup> Streets. (District I)

RECOMMENDED ACTION: 1. Concur with the findings of MAPC and approve the zone change, subject to the additional recommended provisions of the Protective Overlay District and place the ordinance on first reading; or  
2. Return the application to the MAPC for reconsideration.

35. \*CUP2005-63-Associated with (ZON2005-49)-Creation of DP-291 Cedar Creek Marketplace Community Unit Plan; and Zone Change from Single-family Residential to Limited Commercial. Generally located east of Greenwich Road and south of K-96. (District II)

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC and approve the zone change and CUP subject to the condition of platting within one year and the recommended conditions; instruct the Planning Department to forward the ordinance for zone change for first reading when the plat has been recorded with the Register of Deeds; or  
2. Return the application to the MAPC for reconsideration.

36. \*A06-03R-Request by Paul Kelsey, of Kelsey Development Incorporated, to annex land generally located to the northeast of the intersection of 13<sup>th</sup> Street and 151<sup>st</sup> Street. (District V)

RECOMMENDED ACTION: Approve the annexation and place the Ordinance on first reading.

37. \*A06-04R-Request by Paul Kelsey, of Kelsey Investments, Inc. to annex land generally located west of 135<sup>th</sup> Street, between 21<sup>st</sup> Street and 13<sup>th</sup> Street. (District V)

RECOMMENDED ACTION: Approve the annexation request and place the Ordinance on first reading.

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#### AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

\*Consent items

38. \*Terminal Area Redevelopment Program Environmental Assessment Contract, Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the project budget adjustment and the contract; adopt the authorizing resolution and authorize the Necessary signatures.

39. \*Airfield Pavement, Taxiway "N" Construction, Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the change order and authorize the necessary signatures.

**(Item 39A)**

**39a. \*Contract for outside legal services-Delta Airlines complaint with FAA, Re: Air Tran Airlines.**  
**(Deferred January 24, 2006)**

RECOMMENDED ACTION: Authorize the Mayor to execute the amendment of the contract on behalf of the Wichita Airport Authority increasing the maximum amount of fees and expenses that may be expended under the agreement with Edwards, Angell, Palmer and Dodge to \$125,000.

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CITY COUNCIL

40. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

Adjournment

\*\*\*Workshop to follow\*\*\*